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BRYAN J. FREEDMAN

June 13, 2025

Via ECF

Hon. Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007

Re: *Lively v. Wayfarer Studios LLC et al.*, No. 1:24-cv-10049-LJL

Dear Judge Liman:

As counsel for Wayfarer Studios LLC (“Wayfarer”) and the Wayfarer Third Parties, we submit the following in accordance with the Court’s Order directing a response to Plaintiff Blake Lively’s (“Lively”) June 11th letter (Dkt. 316) demanding immediate compliance with nine (9) third-party subpoenas issued to the Wayfarer Third Parties. (Dkt. 319).

Lively’s letter misrepresents the significant compliance efforts by the Wayfarer Third Parties, who are diligently working to satisfy their discovery obligations. The subpoenas seek a broad range of documents and communications from both professional and personal sources, sometimes covering a period of several years, and numerous topics. Complying with these demands requires a thorough and time-consuming collection and review process across nine (9) custodians, as we have clearly communicated to Lively’s counsel. The Wayfarer Third Parties have not evaded their obligations and are actively working to complete their production. Although we have made good-faith efforts to cooperate with Lively’s counsel, she nonetheless filed her motion, which is unwarranted given the meaningful progress made.¹

As repeatedly discussed with Lively’s counsel—and in the interest of efficiency and minimizing burden and expense—Wayfarer agreed to collect and produce documents on behalf of the Wayfarer Third Parties to the extent those materials are within Wayfarer’s possession, custody, or control. This approach was expressly communicated to Lively’s counsel and never met with objection. To date, Wayfarer has made multiple productions, including email and other

¹ In addition to this motion, Lively has indicated her intent to pursue enforcement proceedings in the Central District of California and the Northern District of Georgia—the designated places of compliance under the subpoenas. While Rule 45 requires enforcement in those jurisdictions, simultaneously pursuing her motion to compel in this Court results in duplicative, multi-jurisdictional motion practice that is unnecessary in light of the compliance efforts already underway. This approach against cooperating third parties serves only to multiply proceedings and waste party and judicial resources.

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professional materials for the subpoenaed custodians. A substantial volume of data has been collected from Wayfarer's servers, databases, and other repositories, and is being reviewed and produced on a rolling basis, a process that has already begun. We expect to complete production by the July 1, 2025, substantial completion date.

Regarding materials solely within the possession, custody, or control of the Wayfarer Third Parties, all relevant personal devices of the subpoenaed individuals have been forensically collected, where applicable. These substantial data sets are currently undergoing priority review and will be produced, where available, in accordance with the ESI stipulation at Dkt. 212. We expect to complete these productions by June 27, 2025, and in any event no later than July 1, 2025.

Notwithstanding these substantial efforts, Lively continues to seek court intervention, demanding immediate compliance without regard for the realities of the discovery process or the significant progress already made. Court involvement at this stage is unnecessary, particularly in light of the parties' ongoing communications and the clear record of compliance by Wayfarer and the Wayfarer Third Parties.

For these reasons, and those set forth in the opposition at Dkt. 215, Wayfarer and the Wayfarer Third Parties respectfully request that the Court deny Lively's motion.

Respectfully submitted,

/s/ Bryan J. Freedman

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